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James David Harwin

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

JAMES DAVID HARWIN.,

Defendant.

CASE NO. 3:14-CR-0050-MMD-WGC

**MOTION FOR ORDER  
SHORTENING TIME**

Defendant James David Harwin (“Mr. Harwin”), by and through his undersigned counsel, respectfully moves the Court for an order shortening the briefing schedule on his Motion to Revoke Detention Order. (ECF No. 19). This Motion is made pursuant to LCR 45-1 and is supported by the attached memorandum of points and authorities and all papers and pleadings on file herein.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Good cause exists for the Court to enter an order shortening time for the Opposition and Reply to Mr. Harwin’s Motion to Revoke Detention Order (the “Motion”). On June 3, 2014, Magistrate Judge William G. Cobb ordered Mr. Harwin detained pending trial by finding that Harwin “presents a danger to the community” and that there are no conditions or combination of

1 conditions that the Court can impose to assure the safety of the community. (Case No. 14-mj-  
 2 00045-WGC, ECF No. 10) Yet, Mr. Harwin will have zero access to firearms, can remain  
 3 confined to his home, and has zero criminal history over his fifty-nine (59) year life – forty (40)  
 4 of those living in Nevada.

5 Mr. Harwin's Motion is made in good faith and sets out conditions that can ensure the  
 6 community's safety, but Mr. Harwin remains detained in the Washoe County Jail. Pre-trial  
 7 deprivation of Mr. Harwin's liberty, affecting his rights under the Fifth and Eighth Amendments,  
 8 and his constitutional right to effective assistance of his counsel, are unnecessarily being  
 9 infringed upon by the Court's detention order. Accordingly, an expedited ruling is not only fair,  
 10 but also necessary to ensure the initial detention order does not abridge Mr. Harwin's  
 11 constitutional and statutory rights any longer than the time required to resolve his Motion.

12 Pursuant to LCR 12-1, unless otherwise specified by the Court, the government has  
 13 fourteen (14) days from the service of the Motion to file a response. Mr. Harwin then has three  
 14 (3) days to file a reply. LCR 12-1(a)(3). A motion requesting an order shortening time shall be  
 15 filed by the clerk and processed as an expedited matter. LCR 45-1

16 Given that the District Court will review the Magistrate Judge's detention order *de novo*,<sup>1</sup>  
 17 combined with the existing deprivation of Mr. Harwin's fundamental rights, good cause exists to  
 18 shorten the briefing schedule on the Motion. Specifically, 18 U.S.C. 3145 demands that "the  
 19 motion shall be determined promptly." Accordingly, Mr. Harwin respectfully requests that the  
 20 Court enter an order shortening the government's time to respond to three (3) days. Mr. Harwin  
 21 shall even waive his right to reply. Mr. Harwin submits that this briefing schedule will not  
 22 prejudice the government as it provides adequate time to respond to the issues presented and the  
 23 government has already addressed the same issues in connection with two prior detention  
 24 hearings before Magistrate Judge Cobb.

25  
 26  
 27 <sup>1</sup> *United States v. Koenig*, 912 F.2d 1190, 1192–93 (9th Cir. 1990) (discussing *de novo* review standard  
 28 under 18 U.S.C. § 3145 and concluding "the district court's review of a magistrate's detention order is to  
 be conducted without deference to the magistrate's factual findings").

1 For these reasons, Mr. Harwin respectfully requests that the Court grant this motion and  
2 enter an order shortening time for the briefing of Mr. Harwin's Motion to Revoke Detention  
3 Order.

4  
5  
6 Dated June 10, 2014

SNELL & WILMER L.L.P.

7  
8 By: /s/ Craig S. Denney

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing MOTION FOR ORDER SHORTENING TIME by the method indicated:

XXXX CM/ECF

\_\_\_\_\_ U. S. Mail

\_\_\_\_\_ Facsimile Transmission

\_\_\_\_\_ Federal Express Overnight

\_\_\_\_\_ Hand Delivery

and addressed to the following:

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Attorneys for Plaintiff

DATED June 10, 2014.

/s/ Justin Cochran  
An Employee of Snell & Wilmer L.L.P.